

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE RESTRICTION THAT A MEMBER OF THE
5 ARMED FORCES WHO POSSESSES OR APPLIES FOR HUNTING, FISHING, OR TRAPPING LICENSES FROM
6 ANOTHER STATE OR COUNTRY OR EXERCISES RESIDENT HUNTING, FISHING, OR TRAPPING
7 PRIVILEGES IN ANOTHER STATE OR COUNTRY IS NOT CONSIDERED A RESIDENT FOR PURPOSES OF
8 OBTAINING A MONTANA HUNTING, FISHING, OR TRAPPING LICENSE; AMENDING SECTION 87-2-102,
9 MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12

13 **Section 1.** Section 87-2-102, MCA, is amended to read:

14 **"87-2-102. Resident defined.** In determining a resident for the purpose of issuing resident fishing,
15 hunting, and trapping licenses, the following provisions apply:

16 (1) A member of the regular armed forces of the United States, a member's dependent, as defined
17 in 15-30-113, who resides in the member's Montana household, or a member of the armed forces of a
18 foreign government attached to the regular armed forces of the United States is considered a resident for
19 the purposes of this chapter if:

20 (a) the member was a resident of Montana under the provisions of subsection (4) at the time the
21 member entered the armed forces and continues to meet residency criteria of subsections (4)(b), ~~through~~
22 (4)(c), and (4)(e); or

23 (b) the member is currently stationed in and assigned to active duty in Montana, has resided in
24 Montana for at least 30 days, and presents official assignment orders and proof of completion of a hunter
25 safety course approved by the department, as provided in 87-2-105, or a certificate verifying the
26 successful completion of a hunter safety course in any state or province. The 30-day residence
27 requirement is waived in time of war. Reassignment to another state, United States territory, or country
28 terminates Montana residency for purposes of this section, except that a reassigned member continues
29 to qualify as a resident if the member's spouse and dependents continue to physically reside in Montana
30 and the member continues to meet the residency criteria of subsections (4)(b), ~~through~~ (4)(c), and (4)(e).

1 The designation of Montana by a member of the regular armed forces as a "home of record" or "home of
2 residence" in that member's armed forces records does not determine the member's residency for
3 purposes of this section.

4 (2) A person who has physically resided in Montana as the person's principal or primary home or
5 place of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately before
6 making application for any license is eligible to receive hunting, fishing, and trapping licenses. As used in
7 this section, a vacant lot or a premises used solely for business purposes is not considered a principal or
8 primary home or place of abode.

9 (3) A person who obtains residency under subsection (2) may continue to be a resident for
10 purposes of this section by physically residing in Montana as the person's principal or primary home or
11 place of abode for not less than 120 days a year and by meeting the criteria of subsection (4) prior to
12 making application for any resident hunting, fishing, or trapping license.

13 (4) In addition to the requirements of subsection (2) or (3), a person shall meet the following
14 criteria to be considered a resident for purposes of this section:

15 (a) the person's principal or primary home or place of abode is in Montana;

16 (b) the person files Montana state income tax returns as a resident if required to file;

17 (c) the person licenses and titles in Montana as required by law any vehicles that the person owns
18 and operates in Montana;

19 (d) the person does not possess or apply for any resident hunting, fishing, or trapping licenses
20 from another state or country or exercise resident hunting, fishing, or trapping privileges in another state
21 or country; and

22 (e) if the person registers to vote, the person registers only in Montana.

23 (5) A student who is enrolled full-time in a post-secondary educational institution out of state and
24 who would qualify for Montana resident tuition or who otherwise meets the residence requirements of
25 subsection (2) or (3) is considered a resident for purposes of this section.

26 (6) An enrollee of a job corps camp located within the state of Montana is, after a period of 30
27 days within Montana, considered a resident for the purpose of making application for a fishing license as
28 long as the person remains an enrollee in a Montana camp.

29 (7) A person who does not reside in Montana but who meets all of the following requirements is
30 a resident for purposes of obtaining hunting and fishing licenses:

1 (a) The person's principal employment is within this state and the income from this employment
2 is the principal source of the applicant's family income.

3 (b) The person is required to pay and has paid Montana income tax in a timely manner and proper
4 amount.

5 (c) The person has been employed within this state on a full-time basis for at least 12 consecutive
6 months immediately preceding each application.

7 (d) The person's state of residency has laws substantially similar to this subsection (7).

8 (8) An unmarried minor is considered a resident for the purposes of this section if the minor's
9 parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for
10 purposes of this section. The minor is considered a resident for purposes of this section regardless of
11 whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent
12 or guardian of the minor may be required to show proof of the parental, guardianship, or custodial
13 relationship to the minor.

14 (9) A person is not considered a resident for the purposes of this section if the person:

15 (a) claims residence in any other state or country for any purpose; or

16 (b) is an absentee property owner paying property tax on property in Montana.

17 (10) A license agent is not considered a representative of the state for the purpose of determining
18 a license applicant's residence status."

19
20 NEW SECTION. **Section 2. Effective date.** [This act] is effective March 1, 2002.

21 - END -